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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,025	01/29/2004	Masashi Makita	NS-US035169	2667

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,025

Applicant(s)

MAKITA ET AL.

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7 and 18 is/are rejected.
- 7) ☒ Claim(s) 5 and 8-17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/18/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

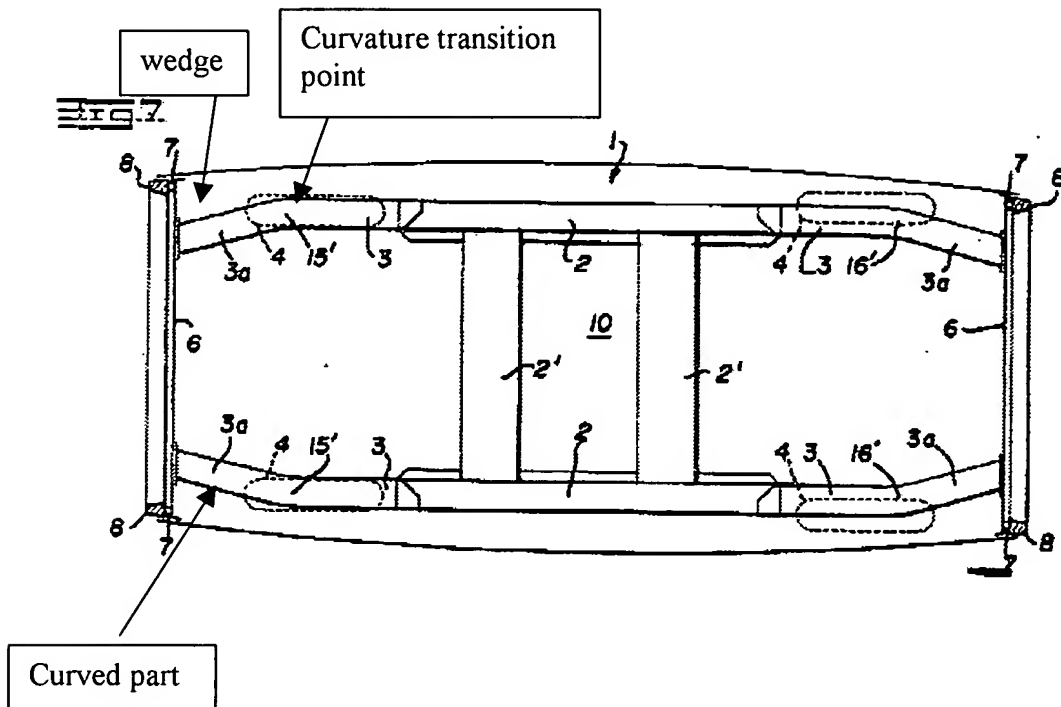
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 6 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Barenys (US Patent 3,171,669).

Regarding claims 1 and 18, Barenys discloses a vehicle body front section structure comprising: a pair of longitudinal frame members (2) configured and arranged to extend in a lengthwise direction of a vehicle on both widthwise sides of a front compartment, each of the longitudinal frame members (2) having a front end portion (3) with a curved part (see below) disposed forwardly of a curvature transition point (see below); and a widthwise frame member (6) having a back surface connected to the front end portions (3a) of the longitudinal frame members (2) such that the widthwise frame member (6) extends in the widthwise direction of the

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vehicle, the curved parts being disposed at locations rearward connection points between the longitudinal frame members (3) and the widthwise frame member (6) such that a pair of wedge-shaped open spaces (see below) are formed between the back surface of the widthwise frame member (6) and corresponding wall surfaces of the curved parts that faces the back surface of the widthwise frame member.



Regarding claim 2, Barenyi disclose the vehicle body front section structure recited in claim 1, wherein each of the curved parts (3a) is formed as a separate entity from a main part of the longitudinal frame member (3) and is connected to a front end of the main part of the longitudinal frame member.

Regarding claim 4, Barenyi disclose the vehicle body front section structure recited in claim 1, wherein the curved parts (3a) are configured and arranged to curve inward (see above) in the widthwise direction of the vehicle from the curvature transition points.

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Regarding claim 6, Barenyi discloses the vehicle body front section structure recited in claim 1, wherein the curved parts (3a) are configured and arranged as to curve downward (Fig. 4) from the curvature transition points.

5. Claims 1, 3 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Tixier (US Patent 3,638,748).

Regarding claims 1 and 18, Tixier discloses a vehicle body front section structure comprising: a pair of longitudinal frame members (31) configured and arranged to extend in a lengthwise direction of a vehicle on both widthwise sides of a front compartment, each of the longitudinal frame members (31) having a front end portion (21) with a curved part (see Fig. 2) disposed forwardly of a curvature transition point; and a widthwise frame member (10) having a back surface connected to the front end portions (21) of the longitudinal frame members (31) such that the widthwise frame member (10) extends in the widthwise direction of the vehicle, the curved parts being disposed at locations rearward connection points between the longitudinal frame members (21) and the widthwise frame member (10) such that a pair of wedge-shaped open spaces (see Fig. 2) are formed between the back surface of the widthwise frame member (10) and corresponding wall surfaces of the curved parts that faces the back surface of the widthwise frame member.

Regarding claim 3, Tixier disclose the vehicle body front section structure recited in claim 1, wherein the curved parts are configured and arranged to curve outward (see Fig. 2) in the widthwise direction of the vehicle from the curvature transition points.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trixie.

Trixie discloses the vehicle body front section structure recited in claim 3. Trixie does not disclose that the widthwise member has end parts that are outward of the connection points. It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the widthwise frame member beyond the connection point and to extend it in the rearward direction. The motivation would have been to provide crash protection along the width of the vehicle outward of the connection points.

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Allowable Subject Matter

9. Claims 5 and 8-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

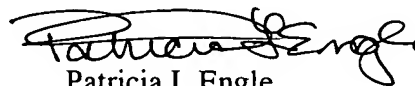
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other front end sections for vehicles.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Primary Examiner
Art Unit 3612

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Dec. 6, 2004